

The House Committee on Game, Fish and Parks offers the following substitute to HB 416:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife generally, so as to make certain findings and declarations; to define certain terms; to regulate the use of certain drugs on wildlife; to establish a permit application for administering drugs to wildlife; to require a permit for administering drugs to wildlife; to provide for rules and regulations; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife generally, is amended by adding a new article, to read as follows:

"ARTICLE 8

27-3-180.

The General Assembly recognizes that the hunting and taking of wildlife pursuant to this title are a valued cultural heritage consistent with the sound scientific principles of wildlife management and play an essential and effective role in the management of wildlife populations. The General Assembly further recognizes that the State of Georgia and its citizens derive substantial economic, recreational, and aesthetic benefits from such activities. Therefore, the General Assembly finds and declares that it is in the public interest to ensure public health, safety, welfare, and conservation of the state's wildlife resources by strictly regulating in this state the use of drugs on any wildlife.

27-3-181.

(a) As used in this article, the term:

(1) 'Drug' means any biological or chemical substance, other than food, that affects the structure, physiology, or biological function of any wildlife.

(2) 'Fertility control' means any action that results in contraception, contragestation, or sterilization or produces a temporary or permanent state of infertility.

(b) It shall be unlawful to administer any drug to any wildlife, except in accordance with a wildlife drug administration permit issued under the provisions of this article and any rules or regulations adopted by the board. This prohibition shall include, but not be limited to, drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation.

(c) Nothing in this article shall prohibit or apply to the medically necessary treatment of sick or injured wildlife by properly licensed veterinarians, properly permitted wildlife exhibitors, or properly permitted wildlife rehabilitators. This article shall not limit employees of departments or agencies of the State of Georgia or the United States or local animal control officers in the performance of their official duties related to public health, safety, and welfare, wildlife management, or wildlife removal.

27-3-182.

(a) Application for a wildlife drug administration permit shall be made on forms obtained from the department.

(b) The department may issue such a permit only if it has determined that the proposed activities are in the best interest of the wildlife resources. In making such a determination, the department may consider the following:

(1) Whether the proposed activity may preclude the use of hunting as the primary management tool;

(2) Whether the drug has been approved by the federal Food and Drug Administration;

(3) Whether there is a need for the information and data or a need to manage the target wildlife population to achieve the objectives sought by the applicant;

(4) Whether the proposed activities would duplicate sound scientific research previously accomplished;

(5) Whether the proposed activity is of reasonable sound design;

(6) Whether the proposed activities pose health or safety risks to humans and wildlife, including, but not limited to, wildlife species that may consume the target wildlife;

(7) Whether the proposed activities include all necessary approvals, including, but not limited to, any federal or state agency approvals for specific or extra label use and any agency or institutional endorsement of the application; and

(8) Whether the applicant or the sponsor has documented that they have adequate funds available to implement the proposed activities.

(c) In the event that a determination has been made to revoke, suspend, deny, or refuse to renew any wildlife drug administration permit issued pursuant to this article, the applicant for the wildlife drug administration permit may appeal the determination according to the provisions stated in Code Section 27-2-25.

27-3-183.

The board is authorized to promulgate and adopt any rules and regulations, consistent with sound wildlife management practices and not inconsistent with law, as it deems necessary and appropriate to carry out the purposes of this article.

27-3-184.

(a) The department shall have the authority to prescribe the form, contents, and conditions for wildlife drug administration permits and applications as it deems necessary to carry out the purposes of this article.

(b) The department shall have the authority to issue, revoke, or deny any permit required by this article and pursuant to any rules and regulations adopted pursuant to this article.

(c) The department may, prior to a hearing and in accordance with Code Section 27-1-37, issue a cease and desist order or other appropriate order to any person who is violating this article or any regulation, permit, or license issued pursuant to this article.

(d) The department shall have the authority in accordance with Code Sections 27-1-21 and 27-1-37 to take possession of and dispose of any wildlife if it has reason to believe that drugs have been administered to such wildlife in violation of this article.

27-3-185.

(a) Any person who violates any provision of this article shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction shall be punished by a fine of not less than \$1,500.00 nor more than \$5,000.00, imprisonment for a period not exceeding 12 months, or both such fine and imprisonment.

(b) Any licenses or permits issued under this title to any person convicted of violating any provision of this article shall by operation of law be revoked and shall not be reissued for a period of three years. The department shall notify the person in writing of the revocation."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.